

RULES OF THE MUNICIPAL FIRE AND POLICE CIVIL SERVICE BOARD
OF THE TOWN OF FRANKLIN, LOUISIANA

RULE I

MEETINGS OF THE BOARD:

Section 1: The board shall hold at least one regular meeting within each quarterly period of the calendar year. The board shall post notice of such meetings at the beginning of each calendar year. The notice shall state the date, time, and place of each quarterly meeting. The board may reschedule these quarterly meetings and may change the location of the meeting as provided in Sections 3 and 4 of Rule I. The board may also hold special meetings as may be called by the chairperson or as provided by Section 2 of Rule I.

Section 2: The board shall meet at any time upon the call of the chairperson, who shall give all members at least a five (5) calendar day notice if it is a regular meeting and at least a twenty-four (24) hour notice if it is a special meeting. If the chairperson fails or refuses to call a quarterly meeting of the board, the members shall meet upon the written call of any two members mailed ten (10) calendar days in advance of the date of the meeting.

SECTION 3: Unless otherwise provided in the notice for such meetings, all meetings shall be held at Franklin Police Department, 508 Second Street, Franklin, Louisiana.

Section 4: Notice of regular and special meetings shall be given by posting such notice at the Franklin Police Department, 508 Second Street, Franklin, Louisiana or at the building in which the meeting is to be held.

Notice of regular meetings shall be posted not less than five (5) calendar days before the date fixed for such meeting. Notice of special meetings shall be posted not less than twenty-four (24) hours before the time fixed for such meeting.

Notice of regular and special meetings shall state whether the meeting is regular or special, and shall include the date, time, place, and agenda of the meeting. Notification of board meetings shall also be posted on the board's website, if the board has a website.

In accordance with R.S. 42:19, each item on the agenda shall be listed separately and with reasonable specificity. The agenda shall not be revised

less than twenty-four (24) hours preceding a board meeting. Before the board may take any action on an agenda item at a meeting, the chairperson or his/her designee shall read aloud the description of the item.

Section 5: At a regular or special meeting, in accordance with R.S. 42:19, the board may take up a matter not on the agenda upon unanimous approval of the members present at the meeting. In order to add an item to the agenda, a motion must first be made to take up the matter and the motion must include, with reasonable specificity, the purpose for the addition to the agenda, and it must be entered into the minutes of the meeting. After the motion is seconded and prior to any vote on the motion to take up a matter not on the agenda, there shall be an opportunity for public comment on any such motion in accordance with R.S. 42:14.

SECTION 6: All board meetings shall be open to the public, except when the board meets in executive session as provided by R.S. 42:16 and R.S. 42:17.

SECTION 7: Four members of the board must be present to constitute a quorum of the board. Concurring votes of three members are necessary for decision of all matters before the board except as follows. When there is no quorum only the following motions are allowed: the chairperson may move to call the meeting to order and then announce that there is no quorum and adjourn the meeting. Or the chairperson may move to call the meeting to order and then announce that there is no quorum and entertain a motion to recess in order to allow the members to try and obtain a quorum and for the members to set another meeting date and time. Once the meeting is called back to order and there is still no quorum, a motion shall be made to adjourn.

SECTION 8: The chairperson shall vote on all matters before the board except in situations when he/she is required to recuse himself/herself as provided in R.S. 33:2561(D) and in accordance with the Louisiana Code of Ethics. The vice-chairperson shall act in the absence of the chairperson and shall be authorized to sign all board documents, as necessary.

SECTION 9: The board secretary or another person designated for the purpose by the board chairperson, shall keep written minutes of all open meetings. The minutes shall include but shall not be limited to the date, time, and place of the meeting; the members recorded as either present or absent; a record of officials, attorneys, and others present; the substance of all matters decided by the board; a record of all motions and votes; and any other information that any member, the Office of State Examiner, and others request to be discussed at the meeting and included in the minutes.

RULE II**SUBJECT MATTER OF MEETINGS:**

- Section 1: At regular meetings, the Board shall consider all new or old business which may be brought to its attention in the manner hereinafter provided.
- Section 2: At special meetings, the Board shall consider those items of business for which the meeting was called.

RULE III**ORDER OF BUSINESS:**

- Section 1: On regular meetings, the order of business shall be as follows:
- (1) Reading of the minutes.
 - (2) Special and general reports.
 - (3) Decisions and orders on matters considered at previous meetings.
 - (4) Unfinished business.
 - (5) New business.
- Section 2: On special meetings, the order of business shall be as follows:
- (1) Reading of the minutes.
 - (2) Decisions and orders on matters considered at previous hearings.
 - (3) Hearing of matters previously fixed for the special meeting.

RULE IV**APPLICATION FOR APPEALS AND HEARINGS:**

- Section 1: Any person authorized to appeal to the Board under the provisions of the Civil Service Law may apply for such an appeal by a written notice giving a clear and concise statement of the action complained against, the basis of the appeal and the relief sought. Application for appeals to the Board under the provisions of Section 31 of the Civil Service Act shall be made only by regular employees in the classified service and shall be limited to matters involving discharge or corrective or disciplinary action and the application shall so state. All other requests for hearing shall set forth the section of the

Civil Service Act under which the application is brought and shall contain a statement of the jurisdiction of the Board. All applications for appeals and other hearings must be signed by the applicant or his counsel, if any, and must give the full name and post office address of the appellant and of his counsel. Written notice shall be filed with the Secretary of the Board and a copy thereof filed with the Chairman of the Board. An additional copy shall be furnished the Board for service on the authority or person against whose action the appeal is taken, if any.

Section 2. No appeal shall be effective unless the above stated notice is filed within fifteen (15) days following the action complained against, or where written notice is given of an action to be thereafter effective, within the fifteen (15) days following the date on which such notice is given.

Section 3: The Secretary of the Board shall cause the date of filing to be noted on each notice of appeal and shall file said appeal on the Appeals Docket, giving the said appeal an appropriate title.

Section 4: Within ten (10) days after the docketing of an appeal, a written request for its summary dismissal may be filed by the authority or person against whose action the appeal has been taken on any of the following grounds provided no controverted fact is involved in the question: (a) that the Board lacks jurisdiction of the subject matter; (b) that the appellant has no legal right of appeal; (c) that the appeal has not been made in the manner prescribed or within the time fixed by these rules; (d) that a decision on the merits would be ineffectual.

All such requests may be supported by written argument or brief. Any such request shall be filed with the Secretary of the Board and a copy with the Chairman of the Board, and shall contain satisfactory proof of service of a copy thereof on the appellant or his counsel.

Section 5: Respondent shall file a written answer to the appeal within ten (10) days after the docketing of the appeal, or within ten (10) days after any adverse decision on a motion for summary dismissal filed under the provisions of Section 4 of this rule. Such answer shall state with sufficient detail to give the Board reasonable notice of the basis of the defense on which respondent will reply.

Section 6: The Chairman of the Board shall fix the time and place for the hearing on an appeal or motion for summary dismissal and shall give notice thereof to all parties not less than ten (10) calendar days prior to the date fixed.

*RULE V*PROCEDURE ON APPEALS:

- Section 1: All hearings on appeals shall be open to the public.
- Section 2: Parties shall have the right, but shall not be required, to be represented by counsel, who must be fully licensed to practice law within the State of Louisiana. When any party is represented by more than one attorney, only one attorney for any party shall be permitted to examine the same witness.
- Section 3: The burden of proof as to the facts shall be on the appointing authority except in those cases where the employee alleges discrimination based on political or religious beliefs, sex, or race.
- Section 4: The rules of evidence as applied in civil trials before the Courts of this State need not be strictly complied with, but the Board shall limit evidence to matters having a reasonable relevance to the issues before the Board.
- Section 5: The Board may require appellant to give his sworn testimony before hearing any other witness on his behalf. If the Board is satisfied, appellant has no just or legal grounds to support the appeal, it may decline to hear any other evidence and dismiss the appeal on the basis of appellant's testimony. If, after hearing appellant, the Board is of the opinion he may have grounds, it may permit him to go forward with his evidence. The Board will consider the imposition of discipline after the passage of ten days from the infraction for which discipline is imposed as grounds for automatic reversal of the disciplinary action.
- Section 6: Affidavits and ex parte statements shall not be received except by consent of all parties unless used to refresh memory or to discredit a witness.
- Section 7: Parties and witnesses shall be subject to cross examination as in civil trials. The Board looks with favor upon stipulations of undisputed facts.
- Section 8: The Board may, on request of any party or on its own motion, place witnesses other than parties under the rule of the Board and thus exclude them from the hearing room.
- Section 9: At any hearing, the appellant shall present his case in chief and the person or authority against whom the appeal is made shall then present his or its case in chief, after which the appellant shall have an opportunity for presentation of rebuttal evidence which shall be restricted to rebuttal of matters presented

by the person or authority against whom the appeal has been taken. Any oral or written argument shall follow the same procedure of presentation.

Section 10: The Board will fix total time permitted for all argument and may require written briefs to be submitted on the issue presented.

Section 11: Any party desiring the issuance of a subpoena for the attendance of a witness or for the production of books or papers must apply for an appropriate order, to the board, in writing at least eight (8) days before the time fixed for the hearing. Such application shall state the purpose of the subpoena and what evidence or testimony is sought by the issuance of the subpoena.

RULE VI

DISMISSAL OF APPEALS:

Section 1: If the appellant fails to appear at the place and time fixed for any hearing, his appeal may be dismissed or the Commission may, in its discretion, continue the case or proceed with the hearing and render its decision upon such evidence as may be adduced at the hearing.

RULE VII

TRANSCRIPTS OF HEARINGS:

Section 1: If any party to the hearing desires a permanent transcript of the hearing, he shall furnish a Court Reporter for said purpose at his own expense. Where a Court Reporter is furnished, the original of the transcript shall be filed with the Board and shall become a part of the permanent record of the appeal. Where no Court Reporter is furnished, the Secretary of the Board shall maintain as complete notes as is feasible, which shall be reviewed by the Board and certified as the record of the appeal.

RULE VIII

OTHER HEARINGS:

Section 1: All other hearings of the Board shall be instituted and shall be conducted in

accordance with the above and foregoing rules concerning appeals to the Board so far as possible, provided, however, that as to notice, public nature of hearings, etc., requirements of the Civil Service Law shall prevail in hearings on other matters within the jurisdiction of the Board, such as establishment of new employment lists, amendments or revisions of classification plans, or investigation.

RULE IX

APPLICATION FOR ADMISSION TO TESTS:

- Section 1: Tests for entry upon promotional and competitive employment lists shall be advertised for and administered in accordance with Section 22 of the Civil Service Act. Tests for entrance upon competitive employment lists may be given as the needs of the service require, and shall be given after any existing competitive employment eligible list is fifteen (15) months old and before said list expires. Tests for entry upon promotional employment lists shall be given after any existing list is fifteen (15) months old and before said list expires.
- Section 2: Applications for admission to tests will be received on Board approved forms by the Departmental Board member at any time up to thirty (30) days after posting of a notice fixing said test, which thirty (30) day period shall end not less than six (6) days in advance of the date fixed for the test. The Departmental Board member receiving such application will forward such applications to the Secretary for maintenance in the permanent records of the Board. The results of the tests and the maintenance of the lists established pursuant to such tests shall be kept as a permanent record of the Board in accordance with the provisions of the Civil Service Act.
- Section 3: Promotional and competitive employment lists shall be maintained by the Board for eighteen (18) months and the Secretary shall maintain a diary of the expiration date of any such lists.
- Section 4: Admission to tests shall be governed by the provisions of Section 23 of the Civil Service Act.
- Section 5: When results of any examination are furnished to the Board by a State Examiner, the Chairman shall forthwith poll all Board members for approval thereof, without the necessity of a formal meeting. Employment lists shall become effective upon approval by a majority of the Board and filing of the same by the Board with the State Examiner.

RULE X

Family Medical Leave:

Each full-time employee of the classified service after having served one (1) year, shall be entitled up to twelve (12) weeks of unpaid leave, without credit for departmental seniority when appropriate documentation is supplied to the Appointing Authority for those reasons provided by Public Law 103-3 (Family and Medical Leave Act of 1993).

An employee will be required to first exhaust any or all compensatory time and any or all accumulated leave time before being granted unpaid leave without seniority.

SICK LEAVE

Sick leave credit shall accumulate for all full-time employees at the rate of one (1) day for each month of continuous service, not to exceed one hundred twenty (120) days.

Sick leave shall be defined as any period of working time during which any regular full-time employee for the city may be excused from work without loss of pay due to:

1. Personal illness.
2. Serious illness in the employee's immediate family.
3. Dental emergencies, such as extractions of teeth due to pain, loss of fillings, etc., things needing immediate attention.

If a sickness or illness exceeds two (2) days in duration, employee shall present in writing a qualified physician's certificate stating that employee was unable to perform the duties of his job due to ill health.

This certificate must be brought in to the personnel director within five (5) days after that employee has returned to work. Failure to do so will result in denial of sick leave pay.

In the case of absence due to illness, the employee shall call and notify the department head of their absence. Failure to do so by noon of that same working day shall result in denial of sick leave pay for that day. Department heads may also deny sick leave if they have evidence that the employee was not sick.

Sick leave credits cannot be earned by provisional, seasonal, interim, or part time appointees.

Sick leave credits due an employee whose service with the city is terminated by reason of resignation or discharge is canceled.

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